



February 1999

"E"-NOTES

the newsletter of the

Ohio Valley Environmental Coalition

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Rally for the Mountains Has Clear Message for Our Leaders - Stop Mountaintop Removal Mining

by Vivian Stockman

The message from the OVEC-organized Rally for the Mountains couldn't be clearer: West Virginians will not tolerate mountaintop removal and together we will stop this massacre of our heritage and future.

Over 20 speakers, some of them the daughters of coal miners, delivered this message to a crowd estimated at over 500 people by television news reports (our own estimates are 600 to 800 people).

People came from every corner of the state to attend the rally, held Jan. 30 on the state capitol grounds in Charleston. They came to share their feelings of rage and frustration over mountaintop massacre and to draw strength,

courage and hope from one another. They came to learn what they can do to help end the destruction of West Virginia's coal-bearing mountains, life-giving streams and coal field communities.

Many stopped to gaze in grieving silence at Carol Jackson's display of 460 tombstones. Each tombstone represents a mountain, a named stream or a town killed by mountaintop removal and valley fill.

OVEC's Janet Fout opened the rally with the theme for the movement to save our mountains: United we can stop mountaintop removal! As she spoke, about 60 members of the Methodist Federation for Social Action (MFSA), carrying

continued on page 10

Final Score: The People 1, Ashland Oil 0

by Monty Fowler

A two-year federal investigation into practices at Ashland Oil Inc.'s refining operations ended with the largest fine in the company's history and vindication for OVEC and Kenova, WV, residents who had long criticized the company's practices.

The Oct. 1, 1998, settlement between Ashland Oil and the US Dept. of Justice included a \$5.8 million fine, more than \$12 million to correct violations and almost \$15 million for additional environmental projects at its three refineries.

Ashland's Catlettsburg, Ky., Canton, Ohio, and St. Paul Park, Minn., refineries were subjected to an intensive inspection by the US Environmental Protection Agency.

This action was something OVEC has advocated for years, since Kentucky's top environmental officials had proven unwilling or unable to take on Ashland, preferring a mind-numbing series of agreed court orders and consent decrees that "fixed" problems on a case-by-case basis.

"We had begged the EPA to come in for years. When they finally did, we pretty much held their hand - we showed

them where to go," said Dan Kash, former regional inspector for the Kentucky Division for Air Quality and current OVEC board member. "Ashland Oil had the biggest facility in the state of Kentucky, and the richest, and they were not the least afraid to use that money in any way."

Repeated Violations

In the \$32.6 million settlement with the Justice Department, Ashland was cited for recurring violations of federal environmental laws which endangered the public's health, federal officials said. The settlement was broken down as follows:

✓ \$5.8 million in civil fines for repeatedly violating federal
continued on page 4

Inside

Joint Ozone Studypage 3
Campaign Finance Reformpage 9
MTR Propaganda Exposedpage 12
Back to the Landpage 13
Lumps of Coal for OSMpage 15
Students Hold Mining Forumpage 17
Calendar of Eventspage 18

Green Groups and Industry Agree on Something - Office of Water Resources Needs More Funding

by Vivian Stockman

OVEC fights for the basics like clean air and water. Water quality issues have been a major focus of our work for years and will be central to our work in 1999.

In 1998 our efforts with the West Virginians for Clean Water helped stimulate a remarkable series of meetings - meetings that have national significance. (West Virginians for Clean Water includes groups such as WV Citizen Action Group, WV Highlands Conservancy and WV Rivers Coalition.)

Back in 1995, OVEC and the Highlands Conservancy sued the US Environmental Protection Agency (EPA) over its failure to force the state Division of Environmental Protection (DEP) to comply with sections of the federal Clean Water Act. The lawsuit was filed by Charleston attorney Perry McDaniel. The settlement of the suit required the state to initiate a series of water quality "stakeholder meetings."

At these meetings, OVEC has worked cooperatively with state and federal regulators and with industry, in order to come up with funding priorities for the DEP's Office of Water Resources.

West Virginia's DEP office has been so underfunded that its enforcement capabilities would be laughable - if the state of our waters weren't such a crying shame.

600 Rivers

As part of the lawsuit settlement, in September DEP submitted a list to the EPA of more than 600 state rivers and streams that are too polluted for drinking, swimming or fishing. Under the Clean Water Act, a list of polluted waterways is to be submitted to the EPA every two years. For nearly 20 years, DEP failed to compile and submit the list.

In March, EPA Region III Administrator Michael McCabe wrote to Governor Cecil Underwood noting that of all the states in the country, West Virginia spends the least amount of general revenue funds on environmental programs. (This is measured in terms of environmental spending per state resident.)

McCabe wrote, "The continuing budgetary shortfall coupled with recent legislative

proposals... conspire to pose a serious threat to the ability of the WV DEP to adequately protect the waters of the state." If the state doesn't address DEP funding problems and Clean Water Act violations, EPA will be forced to take over some or all operations of the Office of Water Resources, McCabe noted.

OVEC, along with several other West Virginia environmental group representatives, met with McCabe in 1998, directing his attention to the funding concerns for the Office of Water Resources. We also talked about dioxin in the Kanawha and Ohio Rivers, bacteria problems in the Eastern Panhandle rivers and water problems associated with mountaintop removal/valley fill.

Because we made EPA aware of Senate Bill 145, the West Virginia bill that made mountaintop removal cheaper and easier, the EPA has been scrutinizing individual mountaintop removal permits in the state.

TMDLs Developed

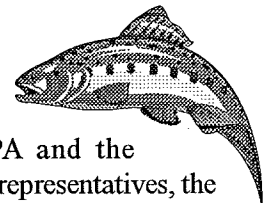
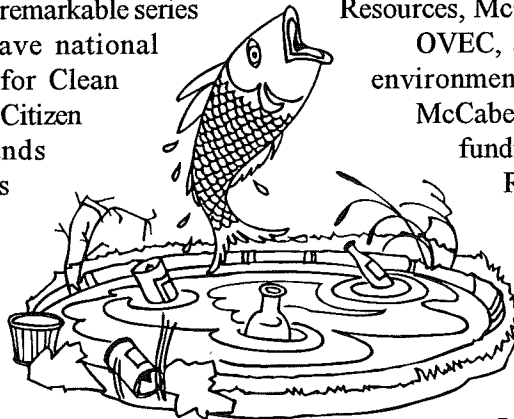
Because of the lawsuit settlement, stakeholder meetings will continue in 1999, as meeting participants tackle the development and implementation of river clean up plans (TMDLs or total maximum daily loads).

OVEC representatives will be at these meetings to ensure that the grassroots voice is heard, and that industry not be allowed to "run" the Office of Water Resources. These meetings will have national significance since other states' conservation groups are looking at our efforts as they too demand the development and implementation of Clean Water Act-mandated river clean up plans.

The stakeholders in the meetings include representatives from the Office of Water Resources, officials from EPA and the Legislature, environmental group representatives, the WV League of Women Voters, the WV Manufacture's Association, WV Chamber of Commerce, WV Coal Association, WV Mining and Reclamation Association, WV Petroleum Marketers, WV Municipal Water Quality Association and the WV Rural Water Association.

After numerous funding meetings, stakeholders agreed to ask the governor, who in turn should ask the

continued on page 8



JOINT STUDY

Health Impacts Of Ground Level Ozone Researched

by Denise Poole

The Ohio Environmental Council, based in Columbus, Ohio, is spearheading a yearlong study of the health impacts of ambient ozone levels (or smog) on residents of the Ohio River Valley. OVEC and the Marietta, Ohio, based Regional Coalition for Ohio Valley Environmental Restoration (RECOVER) are also participating in this research. We are very happy to be working with OEC and RECOVER on this very important issue!

Coal burning power plants are a key contributor to ground level ozone by emitting smog-causing nitrogen oxide (NOx). When combined with volatile organic compounds (VOCs) under hot, stagnant weather conditions, ground-level ozone forms quickly in the atmosphere. VOC emissions include industrial and automobile emissions, gasoline vapors, chemical solvents and consumer products like paints.

Respiratory Problems

Ozone is the principal harmful ingredient in smog and causes serious health problems. People become more susceptible to a variety of respiratory infections and inflammation of the lungs, damage of lung defense mechanisms and irreversible changes in lung tissue.

These conditions lead to premature aging of the lungs and respiratory illnesses such as emphysema, bronchitis, pneumonia, influenza and asthma.

Many communities along the Ohio River Valley were in exceedence of current ozone health standards multiple times during the summer of 1998 (an average of one out of every six days). Ohio River communities in Ohio, West Virginia and Kentucky have high ozone levels.

Scientific studies conducted elsewhere in the country show an increase in treatment of respiratory problems as ozone levels increase. Ozone-linked respiratory problems have been found even with legal levels of ozone exposure.

Our research will give us information on any health problems our citizens have as a result of the levels of NOx emissions in the Ohio River Valley. Data shows that our

residents are exposed to harmful levels of ozone two to three times longer than residents of the Northeast.

In 1995, a federal/state partnership was formed to study how ozone moves throughout the northeast and to identify strategies to control ozone.

This group of 37 states, the US EPA, industry organizations and environmental groups, is known as the Ozone Transport Assessment Group or OTAG.

OTAG concluded in June 1997

that regional NOx reductions are effective in producing ozone benefits and that the more NOx is reduced, the greater the benefit. It recommended that NOx be controlled in Midwestern and eastern states, particularly at power plants.

EPA proposed a "Regional NOx Reduction Strategy" which will reduce ozone levels in the Mid-Atlantic region (the strategy is known as the NOx State Implementation Plan

Call). Over the past 25 years, ozone control programs focused on reducing emissions of VOCs in urban areas.

Until recently, power plants and other large sources of NOx outside of urban areas, have been largely uncontrolled. In September 1998, the final Regional NOx Reduction Strategy was announced.

Reductions Mandatory

Reductions in 22 states (including West Virginia, Ohio and Kentucky) are part of the new NOx State Implementation Plan Call, reducing nitrogen oxide emissions by 28 percent. States have until September 1999 to submit plans to the EPA in response, and until September 2007 to demonstrate compliance with their NOx budgets.

At this point Ohio, West Virginia and Kentucky are opposing with the plan. Not surprisingly, WV Governor Underwood, echoing the regulated industries, said the new standard is "too stringent." The WV Division of Environmental Protection does not feel the time line can be met.

Industry representatives are saying it is not cost effective and state the plan could cost West Virginia thousands of manufacturing jobs and would cripple the coal industry! Our research project is valuable, especially in light of the current political climate and the influence the regulated industry asserts.



New! Electronic Alert List

OVEC is starting an instant electronic alert list so it can notify members with e-mail capability when rapid responses are needed for important issues - like mountaintop removal.

If you would like to be added to this list, send an e-mail to vivian@wvadventures.net with "OVEC action list" in the subject line. Be sure to include your name and full e-mail address.

Ashland Oil Fine

continued from page 1

Clean Air, Clean Water, hazardous waste and community notification laws;

✓ \$12 million to correct the multiple violations at all three refineries;

✓ \$14.8 million to assist Kentucky with air monitoring in the Tri-State, restore and donate 274 acres of prairie to Minnesota, install hydrofluoric release detection and mitigation systems at Canton and St. Paul, and establish an environmental promotion and education program in Kentucky.

All of the fines were for violations that occurred prior to Ashland's sale to Marathon Oil Co. and the establishment of Marathon-Ashland Petroleum.

"I never dealt with anybody remotely like them," said Kash, now retired after years of battling with Ashland Oil executives and his own superiors in Frankfort. "I've had problems with other companies, but we could always sit down and talk about it - Ashland Oil always went straight for Frankfort."

The Feds

The fact that it took more than a decade and massive federal intervention to finally bring Ashland Oil to heel shows how corrupt the entire environmental permitting system can become if allowed to do so, Rick Bady of OVEC said.

"It shows how a corporation can manipulate the system. The new people running the refinery are different - they're actually professional," Bady said. "Ashland played political games. They weren't in the oil business, they were in the power business."

Bady said the whole process was so gradual, and took so long, that it sometimes seemed there was no end in sight.

"We always did the right thing by being brutally honest," he said of OVEC's dealings with Ashland Oil during those years. But, "this is not really a happy ending. They (Ashland) hurt a lot of people in all kinds of ways."

Fed up Ceredo and Kenova, WV, residents joined OVEC in droves in the early and mid-1990s when pollution

They Just Don't Get It Dept. - 1

"They talk about creating a wasteland with mountaintop removal. I argue that it was wasteland before. All you could use it for before was forest land. If I owned a mountain in east Kentucky, I would insist that they use that method and leave me land that I could use."

Bill Caylor, president, Kentucky Coal Association

violations were very frequent. Kenova residents also filed numerous lawsuits against Ashland Oil.

Bady said it was this long-term effort by hundreds of area residents that led to the improvements, not to any effort on the company's part.

Although Ashland Oil officials stated differently when the settlement was announced, lauding their voluntary

FACT: Ashland Inc. now owns half of MTR king Arch Coal's stock.

environmental compliance records, both Bady and Kash said virtually every improvement made at the Catlettsburg refinery was done with Ashland Oil kicking and screaming the whole way.

"They were so malicious. They negotiated everything from three positions: One, We didn't do it. Two, If we did do it, we're not going to do anything about it. Three, We will do something about it, a very little, after a fierce legal battle," Kash said. "We cited Ashland Oil so many times over the years, and Frankfort was on Ashland's side anyway, we had to use the EPA to lean on Frankfort to do its job."

Not The Same

Kash said Marathon-Ashland is not the same company Ashland was, and he thinks things will get better as time goes on.

But for him, Rick Bady and the hundreds of others who battled to get Ashland Oil to do the right thing, there will always be the memories of the way they were manhandled by Kentucky's largest corporation.

"I had been retired for a whole year and I looked down one day and realized I had to trim my nails, and I said, 'Wait a minute, I bite my nails,'" Kash said.

"With Ashland Oil, it was always punitive and personal with them."

Corridor H Alternatives - A Better Way

Corridor H Alternatives, that tenacious group that has for nearly a decade stopped the construction of a billion dollar four-lane highway to nowhere in northern West Virginia, has developed a wonderful color brochure, entitled "Access the Best of West Virginia - A Better Way for Corridor H."

The brochure includes a map that details not only what is at risk if the highway is built, but also suggests upgrading certain highways to improve safety and road conditions. The upgrade, including some three- and four-lane segments, are based on actual traffic projections, as opposed to the wishful thinking used by the WV Department of Transportation engineers.

For a copy of this publication contact: CHA, P.O. Box 11, Kerens, WV 26276 or call 1-877-2BETRWAY (toll free) or you can call the OVEC office at (304) 522-0246.

'Mountaintop Review' Gathers Green Forces for Upcoming Battle

by Vivian Stockman

In October, OVEC and the West Virginia Highlands Conservancy held their first-ever combined weekend meeting.

The "Mountaintop Review," held at Sissonville's Camp Virgil Tate combined serious learning and strategizing about mountaintop removal mining with serious fun.

The program included fly-overs of mountaintop removal mines, a visit to Jimmy and Sibby Weekly's threatened homeplace in Pigeon Roost Hollow and a visit to Larry Gibson's Kayford Mountain.

Recreational choices included a whitewater rafting trip on the New River, a canoe trip on the Coal River, or horseback riding and hiking in the Kanawha State Forest. Saturday evening's panel on mountaintop removal was followed by an evening of socializing and square dancing to live bands.

Residents Speak

Over 120 people attended the panel discussion. WVHC's veteran coal mining activist Cindy Rank introduced the panelists. Blair residents Jimmy Weekly and Carlos Gore, an OVEC board member; and OVEC volunteer Larry Gibson spoke about their experiences as coal field residents.

Ben Stout, head of the Environmental Studies program and professor of aquatic biology at Wheeling Jesuit University, talked about the significance of headwater streams, which are buried in mountaintop removal operations, to all life downstream.

Panelist Joe Lovett is the main lawyer in a group of coal field residents' and WVHC's lawsuit challenging certain aspects of mountaintop removal.

Ben treated everyone to a slide show explaining principles of aquatic biology. "Small headwater streams are VIBRANT with life," Ben said. "These streams function as part of an integrated system."

(At this point the words of coal lobbyist K.O. Damron echoed nauseatingly inside my head. During the 1998 legislative session I heard him speak about valley fills before a Senate subcommittee. He said small headwater streams "contain no significant forms of life." That made me wonder if the K. O. stands for Koal Overlord, Great Declarer of Which Lifeforms are Significant.)

Ben explained the river continuum concept where even the smallest, 'first order' streams, those not even on topographic maps, are absolutely essential to life downstream.



What used to be part of Kayford Mountain was part of the mountaintop removal tour during the joint OVEC - WV Highlands Conservancy 'Mountaintop Review.' One cannot fully appreciate the awful aftermath of a mountaintop removal strip mining job until it is seen firsthand. *photo by Laura Forman*

Even the streams that are dry on top most of the year are moist under rocks and leaves. Here, where K.O.'s "insignificant lifeforms" dwell, the rest of us will find what Ben describes as "vibrant communities" of organisms that shred and decompose leaves and twigs, making this stuff palatable for other microbes and invertebrates downstream. In just one square foot of streambed there are 200 or so individual organisms.

Tiny Insects Vital

Ben singled out the Pycnopsyche family of tiny insects as THE most important insects in West Virginia. These insects live mostly in headwater streams. They decompose leaves, thus cleaning streams. Particulates from this decomposition go downstream to "drive the downstream community with

continued on page 6

Mountaintop Review

continued from page 5

energy and nutrients they need to survive. The processes that occur in the headwaters are what feed life in the bigger streams."

Cindy displayed maps of all the counties at risk from mountaintop removal: Wayne, Wyoming, McDowell, Mingo, Nicholas, Raleigh, Boone, Braxton, Clay, Fayette, Lincoln, Webster, Logan, Kanawha and portions of Greenbrier.

"It's happening all over. There's a lot of permits in the pipeline. We don't know the total square miles affected. Sixteen square miles here, five square miles there, eight square miles here," she said as she pointed to maps representing just three of the mountaintop removal/valley fill sites.

Lawsuit Halts Permits

Joe Lovett said he never heard about mountaintop removal until Jimmy and Sibby walked into his office with a copy of the *US News and World Report* "Shear Madness" article. In July, Joe filed a citizens' lawsuit citing violations of the Federal Clean Water Act and State Surface Mining Act by the Army Corps of Engineers and the State DEP. At the time of the panel discussion, the lawsuit had halted the issuing of any new valley fill permits for several months.

Larry Gibson noted that despite what coal companies assert, there is no "responsible" form of mountaintop removal. He's seen the mountains and streams all around his ancestors' home, Kayford Mountain, reduced to lifeless rubble.

Larry is sickened by the coal companies' tactics of buying out mountain communities: "Coal companies know they can reach these people because they have so little."

When homes near mine site are damaged by blasting,

Lunchtime Gets An Attitude

The State Capitol cafeteria is never dull at lunch time, but things got really lively on Feb. 9, WV Travel and Tourism Day. Members of the Ohio Valley Environmental Coalition and WV Highlands Conservancy walked up and down in front of the cafeteria's glass windows wearing sandwich board signs.

People in the cafeteria stood up, laughing, to get a better look at the signs, which featured photos of mountaintop removal sites, logging in the Blackwater Canyon, and streams ruined by acid mine drainage. Slogans on the boards read: "Acid mine drainage drives tourists away!" "Mountaintop removal repulses everyone!" and "Tourists come to see forests, not clearcuts!"

The sandwich-boarders encountered quite a few of the legislators, some who nodded, others who looked away. Coal lobbyist Bill Raney reluctantly took some handouts from the woman wearing a picture of a mountaintop removal site.

Larry's appalled by coal companies' ridiculous contentions that the damages were caused by settling of homes and by vibrating washing machines.

Companies' Concerned?

Carlos Gore doesn't buy the coal companies' professed concern over miners losing their jobs if mountaintop removal is banned - not when one mountaintop removal dragline replaces 500 miners; not when the Mountain State is extracting record levels of coal with ever decreasing numbers of miners.

Carlos said it's time for the coal companies to clean up all the abandoned mines

and to go back to conventional coal mining. That would put many miners back to work.

Jimmy Weekly's homeplace sits at the edge of 3,200 acres that Hobet Mining Company wants bad. There's 86 million tons of coal buried deep in the mountains around Jimmy's house.

If Hobet gets this permit it will be the largest mountaintop removal/valley fill site ever permitted.

"I'm for the future, I'm 100 percent against this mountaintop removal," Jimmy said. "Miners are on our side, they're just job scared. You'd be surprised how many miners we've got behind us. This is not just a massacre to our mountains. It's a massacre to our streams, a massacre to our valleys, a massacre to our heritage, a massacre to our union jobs."

"Miners are on our side - they're just job scared. You'd be surprised how many miners we've got behind us." Jimmy Weekly



Carol Jackson, Susan Hayden, Laura Forman and Sandy Fisher

When you're finished with this newsletter, please pass it on!

Reclamation Awards Banquet Target of Eco Truth Squad

On Jan. 15, the WV Mining and Reclamation Association held a luncheon to give out their "awards" to the coal industry. Mike Miano, presenting the awards, was given the role of head cheerleader for the coal industry, a part he plays to perfection as opposed to his other role, that of director of the Division of Environmental Protection.

As the men in suits began to dig into their food, about a dozen people representing various WV citizen groups marched in holding signs like; "Keep the Mountains, Remove Miano", "Stop Mountaintop Removal" and "WV needs Land Reform not Wrecklamation".

The panel at the head of the table sat in stunned silence, forks poised, until Ben Greene leapt to his feet to tender an invitation to the newly arriving guests. Mr. Greene invited us to either sit and have lunch (and be quiet) or leave.

We declined the invitation to join their repast but stayed to condemn this absurd display of theirs, contrived to justify the continued massacre of the mountains and adjacent communities.

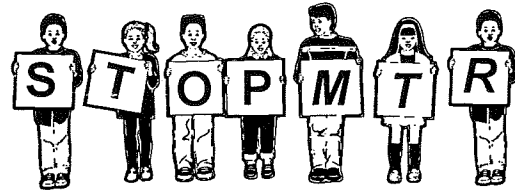
If anyone has seen what the coal industry calls reclamation, they know it is simply a green disguise of sparse, non-native vegetation covering a scarred and barren moonscape that does nothing for the people and communities it displaces. Greene, his face suffused with red, pointed his

finger at us and told his associates at the luncheon that he had seen many of us before and we pointed out that he would continue to see us, again and again!

When the good folks from the Holiday Inn asked us to leave the luncheon, the group, which included members of OVEC, WVEC, Highlands Conservancy, Stanley Heirs Foundation, Coal River Mountain Watch and Appalachian Voices chanted, "Keep the mountains, remove Miano" on our way out.

Some of the coal lackeys stood in order to, as Carol Jackson noted, block our signs from the media attention. Interestingly enough, Miano, the target during much of the protest, sat in an uncomfortable silence with a look on his face that we hope indicated his impending indigestion.

To Ben Greene, Mike Miano and all the others who continue to endorse and profit from the destruction of the West Virginia mountains we say YES, you will see us, and more of us until mountain massacre has been stopped!



OVEC Receives National Methodist Social Justice Award

The Methodist Federation for Social Action presented OVEC staff with an award for "Outstanding Social Justice Action", on Saturday evening, January 30. MFSA Board member John Taylor presented the award at a Charleston banquet attended by about 100 people. He pointed to that afternoon's pro-mountain rally as one example of OVEC's "superlative organizing."

John mentioned some of OVEC's victories: stopping a huge toxic waste incinerator proposed for southern Ohio; stopping the West Virginia plans for the largest pulp mill on the continent, which would have used outdated, heavily polluting technologies and required the cutting of 10,000 trees per day; stimulating pollution control improvements at Ashland Oil; and working together with other groups to publicly elevate the opposition to mountaintop removal/valley fill strip mining.

"OVEC works with passion and courage" John said. "The first OVEC event I attended was a workshop on non-violent civil disobedience held in January, 1997. Leaders realized that anyone thinking of such action needed to be well trained and aware of all of the possible consequences."

John emphasized that OVEC's women leaders have created an organization with a unique style: "Collaborative, not competitive. Consensus, not controlling. No single charismatic leader, as is the case in many male-dominated organizations."

He cited a recent example of OVEC's bluntly honest style. At the January protest of the dinner where WV's director of the Division of Environmental Protection gave awards to mountain-removing coal companies, on behalf of the WV Mining and Reclamation Association, protesters were asked by a mining official to sit down and eat. Laura Forman, outraged that "our" top state environmental regulator was acting as if he still worked for the coal industry, answered, "No, I think I'd throw up".

OVEC may not receive awards from those in the mainstream power structure. But this award from the Methodist Federation for Social Action, which has worked toward social justice for almost a century, is a real honor.

Water Resources

continued from page 2

Legislature, to provide general revenue funds of \$4.9 million for the Office of Water Resources for fiscal year 2000.

Fee Increase Proposed

The group also asks for \$739,000 more in user fees. This represents a 33 1/3 percent increase on water pollution control permits for regulated industries.

For each of the following two fiscal years the permit fees would again increase by 33 1/3 percent.

In short, polluting industries have agreed to double their pollution permit fees over the next three years, a feat that could not have been accomplished if citizens' groups were absent from stakeholder meetings.

License to Pollute

Remember, a water permit is a license to pollute! Just about everybody in the environmental community agrees: Since industry is profiting from polluting, then industry should begin to pay for the cost of cleaning up the mess they have made of our rivers and streams.

The proposed funding will allow the Office of Water Resources to maintain and improve its current operations, while implementing other programs that should have already been in operation.

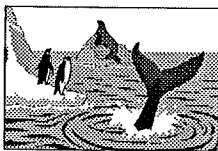
All stakeholders agreed the programs that will be funded, if the governor and Legislature come through, are: watershed assessment; updating computer information technology; environmental enforcement and citizen response; issuing water pollution control permits; fish tissue collection and analysis; pollution prevention technical assistance; dam safety certification and emergency remedial action; and developing total maximum daily loads.

Surreal meetings

These meetings sometimes seem surreal. Here is DEP director Michael Miano shaking my hand, all sugary pleasant, while I'm wondering about the progress of OVEC's lawsuit seeking to remove him from office.

Under a conflict-of-interest regulation within the federal Clean Water Act, no one who has worked for a regulated industry within two years can oversee state water quality protection programs. Up until late in 1997, Miano worked for Pittston Coal in Virginia. Although Miano's appointment is clearly a violation of the Clean Water Act, the state chose to fight our lawsuit rather than to appoint a director without a conflict of interest.

And here I am, sitting next to Dave Flannery, a lawyer who represents big time polluters and who was one of Parsons and Whittemore's (the pulp mill barons) attorneys. Manufacturers, coal and chemical industry lobbyists and attorneys far outnumber the citizens' representatives. OVEC and

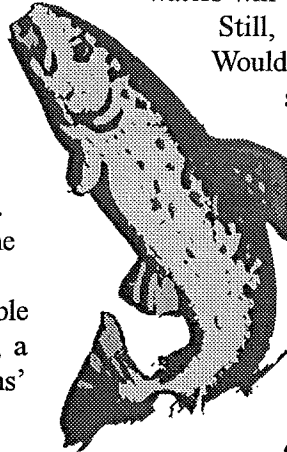


"Equal time for whales!"

WVHC's lawsuit made this meeting happen, and our state's waters will be cleaner because of it.

Still, are we actually agreeing with these folks? Would they be agreeing to funding for the fish tissue sampling program if the environmental community weren't present?

Maybe the industry representatives are so amenable because they figure we won't get the funding we ask for. Or, more likely, they'd really rather not have the EPA take over any state water quality programs. As the stakeholder meetings continue into 1999, OVEC will be there, reminding everyone present that clean water is basic. And we will continue to fight for the basics.



Food for Thought

Thomas Berry, a cultural historian and scholar of world religions, had the following to say when interviewed by *Parabola* journal (Vol. 24, No. 1, Feb. 1999).

***Parabola:* Does our relation to nature connect with our inner human development?**

Thomas Berry: The outer world is necessary for the inner world; they're not two worlds but a single world with two aspects: The outer and the inner. If we don't have certain outer experiences, we don't have certain inner experiences, or at least we don't have them in a profound way. We need the sun, the moon, the stars, the rivers and the mountains and birds, the fish in the sea, to evoke a world of mystery, to evoke the sacred. It gives us a sense of awe. This is a response to the cosmic liturgy, since the universe itself is a sacred liturgy. Humans become religious by joining the religion of the universe. Apart from that our souls shrivel and our imagination is dulled. If we lived on the moon, our imagination would be as flat as the moon, our emotions would be dull, and our sense of the divine would reflect the lunar landscape. The experience of the grandeur and beauty of the outer world is totally necessary.

They Just Don't Get It Dept. - 2

"There has been...no environmental damage that has been documented, no water quality problems that we have been aware of."

Michael Miano, director, WV Division of Environmental Protection, on mountaintop removal/valley fill strip mining.

Cleaning Up the Election Process in West Virginia

by Janet Fout

Money has always played a major role in West Virginia politics, such as the "generous" donations by the coal industry in the 1996 election - more than half-a-million \$\$\$\$ to the governor's election and inaugural party alone!

Before citizens even vote, wealthy special-interest contributors are "voting" with their wallets. Nowadays, either independently wealthy candidates or candidates with the most resources are most likely to be successful. As a result, well-heeled special-interest donors are major "players" when it comes to shaping public policy - and it is NOT public interests that are being served!

But just because it's always been this way, doesn't mean it shouldn't change.

Dire Need

The interests of average citizens are mostly bypassed in favor of corporate interests. This is WHY the system must be changed. It reminds me of the story of a person who keeps walking down the same dark street, falling in the same deep hole, night after night. It's time to walk down another street - to clean up elections in West Virginia.

To help light the way down that dark street, in 1997 the People's Election Reform Coalition/WV was formed by three "parent" groups - WV Citizens Research Group, OVEC and WV Common Cause.

Cleaning up elections should interest anyone in West Virginia who is tired of corporate interests' domination in our government and wants to revitalize democracy. In January, the People's Election Reform Coalition/WV focused on doing that, and spoke to a Senate legislative subcommittee about small steps that could have a significant impact.

Special Interest Loopholes

As Norm Steenstra (WV Citizen Action Group) told them, "It might not be illegal, but it should be," referring to the many ways that special corporate interests find loopholes

to elect "their" candidates.

Based on PERC's data analysis of the 1996 elections, PERC made six recommendations to the legislative subcommittee - important first steps to begin reshaping political campaigns and elections in West Virginia:

"It might not be illegal, but it should be."
**Norm Steenstra, WV
 Citizen Action Group**

1. Ban campaign loans from anyone other than a candidate or a real lending institution. (In the past, loans have been a loop-hole around campaign donation limits).

2. Treat inaugurations like elections, which would limit donations to \$1,000. Currently there are no limits. Nearly \$1 million was donated to Governor Underwood's inaugural party!

3. Ban the co-mingling of campaign funds. This

would end the practice of candidates for House speaker donating to other delegates' campaigns, which encourages cronyism (which certainly doesn't NEED any encouragement in West Virginia!).

4. Make independent committees file campaign spending reports within 24 hours of running commercials, to allow candidates to know who is attacking them on TV.

5. Extend the voting period to allow

more people to cast their votes before the elections at central locations. West Virginia has the lowest voter turnout in the nation according to a recent survey. This could boost voter turnout.

6. Increased funding for the Secretary of State's office to hire additional staff to help enforce campaign regulations. What good are laws without enforcement?

Norm was joined at the subcommittee hearing by other PERC members, including Gary Zuckett (WV-Citizen

continued on page 12



Mountain Rally

continued from page 1

their banner, marched in from their meeting being held nearby. The crowd cheered, then heard an invocation from Pastor Brent Sturm and a Native American Corn Blessing for the Earth Mother from Anne "Panther Woman" Merian.

Panther Woman reminded us that everything in nature responds, and she called for harmony and balance to all our relations, including those who are taking away the mountains. We will take baby step after baby step until we succeed in saving our remaining mountains from harm, she said. "Almost Level..."

Next, Secretary of State Ken Hechler teamed up with George Dougherty to sing Ken's version of John Denver's beloved song about our state, "Take Me Home, Country Roads," that includes the lyrics, "Almost Heaven, West Virginia." Ken and George sang, "Almost level, West Virginia..." and other songs that movingly portrayed the destruction the coal industry euphemistically calls mountaintop mining. Again, people were wiping away tears.

John Taylor, a member of the MFSA, wondered about the hearts of the governor and coal companies. He said, "Their hearts are in their checkbooks, and they're gaining by the destruction of sacred places." John reminded us that, "United we stand, divided we fall. We will win. We will surely win."

Norm Steenstra of the WV Citizen Action Group noted recent polls show that two-thirds of West Virginians want mountaintop removal stopped or curtailed severely.

West Virginia novelist Denise Giardina drew cheers from the crowd when she said, "They came in here and stole our land, killed a hundred thousand miners, polluted our streams, ground our roads into dust with their coal trucks, and then they have the nerve to tell us that they should be able to destroy our mountains because they have created jobs. Well, the Mafia creates jobs, the Colombian drug cartel creates jobs, and pimps create jobs."

"And they all create jobs the same way - by exploiting the people they employ... King Coal has reigned in West Virginia for 100 years. King Coal is dead. Long live the people of West Virginia!" Giardina said.

Blasted to Oblivion

As the cheers died down, children in costumes of mountains, trees, critters and coal barons gathered for a skit about the death of West Virginia's beautiful mountains. Carol Jackson narrated the story of the peaceful mountains and their blessed creatures blasted to oblivion by mountaintop removal. The "State" stepped in to "save" the landscape by



John Taylor, of the West Virginia chapter of the Methodist Federation for Social Action, speaks to the crowd about the 'sacred Earth.'

putting nice grass and airports and malls on the flattened former mountains and filled-in streams.

The crowd hissed at the State's ridiculous efforts and began chanting, "Save Our Land, Save Our Nation, There Is No True Reclamation!" Carol said we will tell our legislators: "You won't get our approval, 'till you stop mountaintop removal!" The crowd took up the cry.

King Koal

For a little background on how we got into this situation, Gordon Simmons of the WV Labor History Association gave a brief history lesson. West Virginia's economy is a colonial one, rich in resources but lacking in the benefits of these resources - and King Coal was (is) the colonialist. The King held tight reign over state legislators (sound familiar?) and county sheriffs and brutally tried to thwart unionization efforts.

Gordon reminded us of the Battle of Blair Mountain where the US Army intervened in labor disputes at the behest of corrupt local officials and mine owners. "Why did it happen? Money," Gordon said, noting that the officials of the time were all in the pocket of the coal companies. "Postcards From Hell"

The next speaker, Blair resident Carlos Gore, sees every day that coal companies are still bringing hardship to the people and brutalizing the landscape of southern West Virginia. He called the mountaintop removal sites near his home "postcards from hell."

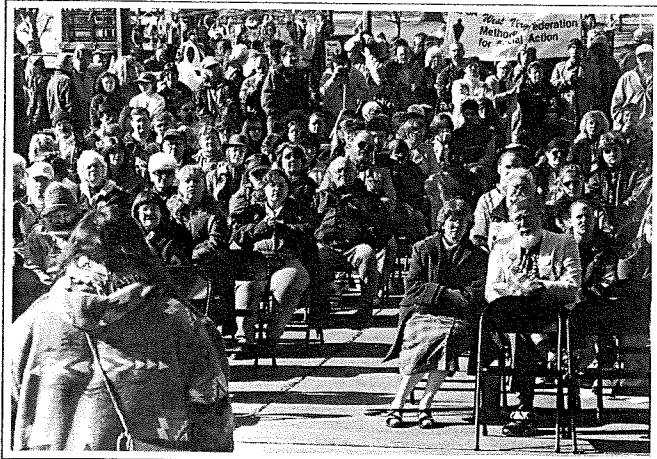
WV Highlands Conservancy activist Cindy Rank said the laws we have now are loosely applied and poorly enforced. Only we can stop the devastation, she said, so, "Bring a carload of people to the next rally. Write letters, and tell your friends and your neighbors."



panoramic photo by Janet Fout

RALLY FOR THE MOUNTAINS

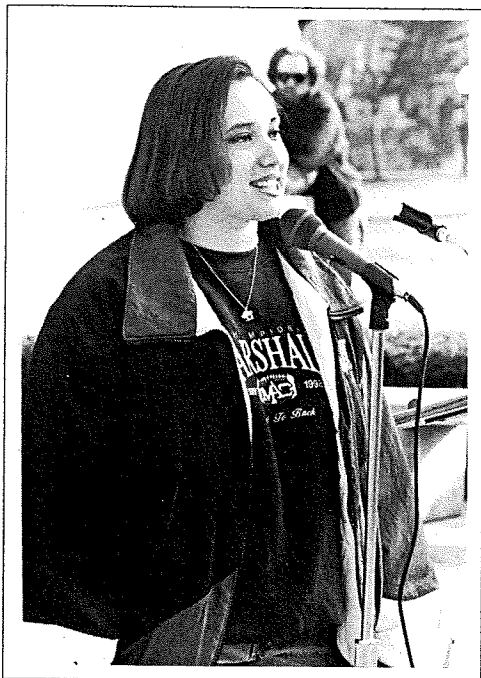
WV STATE CAPITOL JANUARY 30, 1999



Rally crowd listens as Panther Woman offers a corn blessing.
Photo by Chuck Wyrostok/Appalight



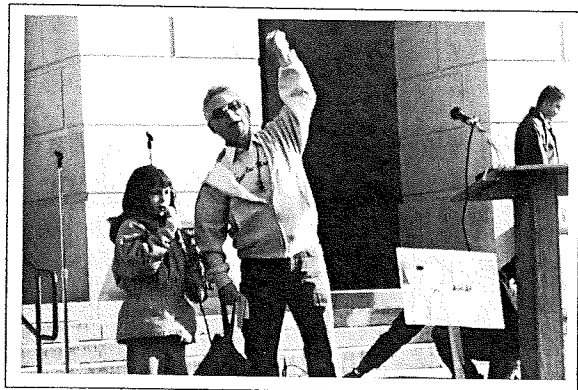
Denise Giardina, award-winning WV writer, delivers a passionate speech.
Photo by Chuck Wyrostok/Appalight



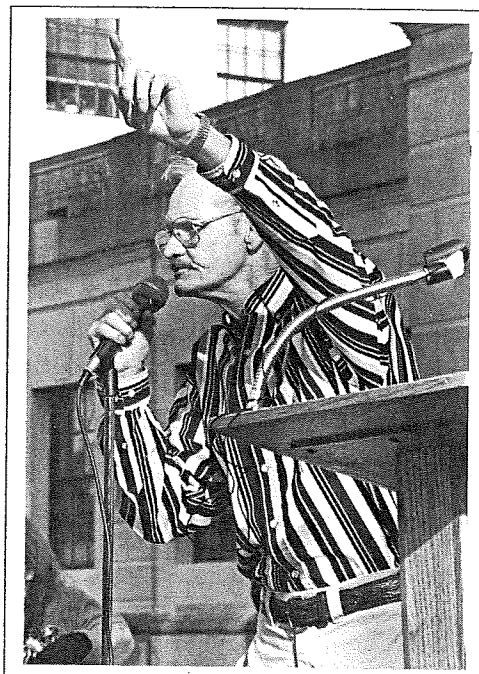
OVEC activist, Lashonda Bare tells how the coal industry tries to influence Marshall University students.
Photo by Chuck Wyrostok/Appalight



Carol Jackson narrates a skit about mountain massacre; King Coal is in the right foreground.
Photo by Chuck Wyrostok/Appalight

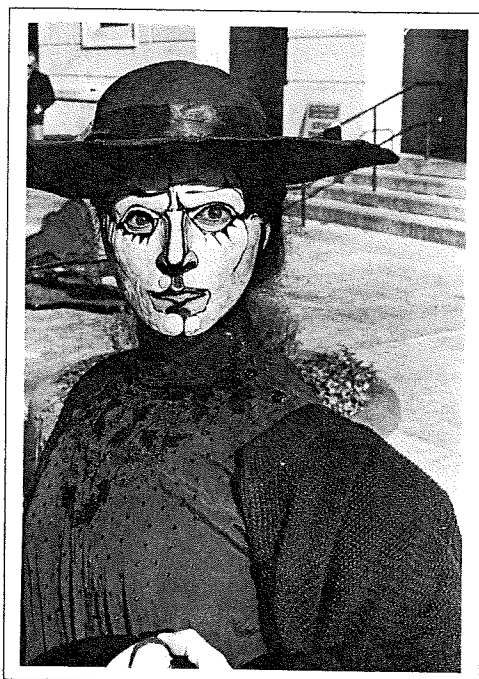


Larry Gibson sounds the rallying cry to stop mountain massacre, while Leah Long, EYES Club member, delivers a donation from her environmental club to help save the mountains for future generations. Photo by Laura Forman



Blair Mountain resident, James Weekly, emphasizes how Arch Coal would destroy his ancestral home if a 3100 acre permit is issued by WV regulators.

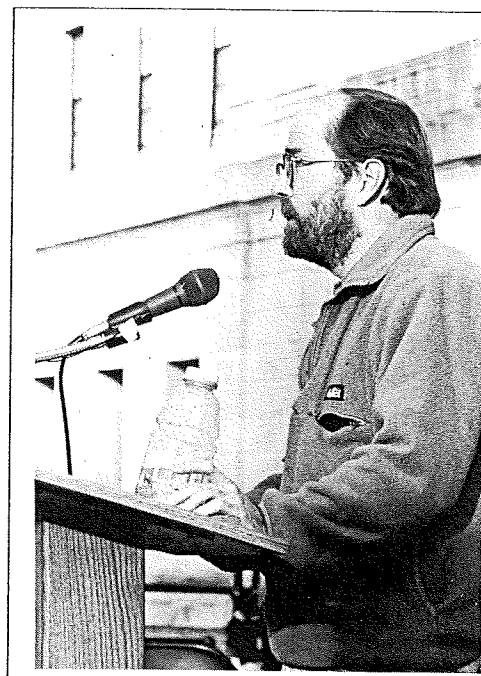
Photo by Chuck Wyrostok/Appalight



The spirit of Mother Jones looks on.
Photo by Chuck Wyrostok/Appalight



Rally for the Mountains—the crowd listens intently.
Photo by Chuck Wyrostok/Appalight
Phone: 304-927-2978



Dave Cooper, OVEC member and Kentucky Sierra Club activist, reminds crowd how much natural beauty abounds in West Virginia.

Photo by Chuck Wyrostok/Appalight

Though the day was warm for January, a cold wind blew. The crowd stayed to hear and cheer on the speakers. Larry Gibson asked everyone to come for the rally on April 24. "It's got to be bigger than anything you have ever seen," he said. That way the message may begin to sink in to our elected officials. "These people can be replaced come voting time," Larry said.



Carol Jackson and company perform their mountaintop massacre skit during the rally to the cheers of hundreds of people.
photos by Laura Forman

Blair resident Jimmy Weekly agreed, "We are the voters. We can vote them out of office."

The Crawfords, Native American poets and musicians, reminded us that we can help the mountain plunderers to hear the Earth's heartbeat. Michael Miano, chief of the WV Division of Environmental Protection, and other people who say mountaintop removal isn't harming the environment are not yet able to hear that heartbeat, but they can't ignore our message!

Zero Tolerance

Speaker after speaker - from the WV Environmental Council, Kentuckians for the Commonwealth, WV Rivers Coalition, Concerned Citizens' Coalition, Coal River Mountain Watch, the Kentucky Chapter of the Sierra Club and Lashonda Bare, a student from Marshall University - shared that message with the crowd: We will not tolerate coal companies' destruction of our landscape, of our very life support system! Crede Calhoun from Maryland summed it up when he said, "They are destroying our children's future when they kill the mountains."

Nathan Fetty from WVRC spoke of barren moonscapes and hundreds of miles of filled-in streams. CRMW's Janice Nease, a coal miner's daughter said, "Coal is a callous industry, using its workers as pawns. Coal is the greatest threat to prosperity in West Virginia. Coal never has and never will fulfill its promises."

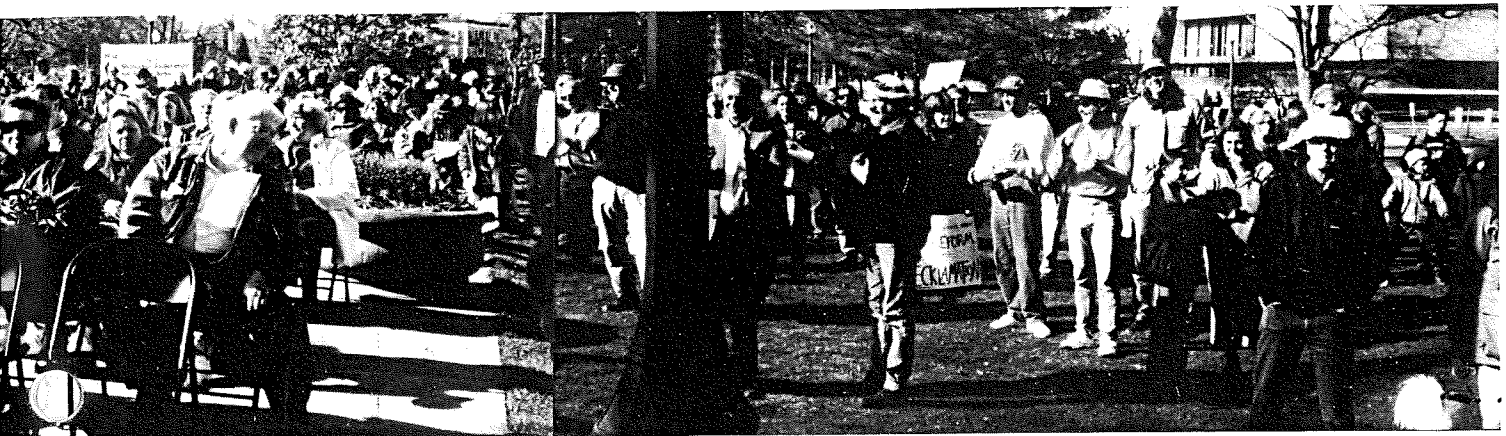
Finally the Earl of Elkview, George Dougherty, gathered in the tired and cold crowd.

With a mix of songs and passionate speech he stoked us up, energized to write letters to the editor, to talk with everyone, to lobby our politicians, to vote the mountaintop murderers out of office next time...and to prepare for the April 24 rally.

Statewide Message

The media coverage of the event helped send our message across the state. One TV reporter interviewed Janice as she stood in front of the tombstones.

As an adult returning to your home town, she told the reporter, "You expect your childhood home to be gone. You don't expect your childhood mountain to be gone!"



Blair Resident Tells the Whole Truth About MTR Propaganda

By now, everyone has been subjected to Arch Coal's barrage of paid television propaganda on mountaintop removal, particularly those who watch the big sporting events.

Regional and national media coverage has shown the plain truth about mountain massacre and it isn't a pretty picture. The only way for Arch Coal to put a positive spin on this destructive practice is to pay for it in a big way.

Arch is shelling out millions of dollars, (while laying off hundreds of miners) in an attempt to improve their public image - and using school children is not beneath them.

One memorable ad has a turtle crossing a road as a school bus advances toward it. The bus stops abruptly just to avoid squashing the helpless critter while kids jump off the

Election Reforms

continued from page 9

Action Group), Mike Withers and Peter Mareneck (Common Cause-WV), Richie Robb (mayor of South Charleston and WV Republican Party executive committee) and Janet Fout (OVEC).

PERC representatives also met with the editorial boards of the *Charleston Gazette* and the *Charleston Daily Mail* to garner support for these initial steps to cleaner state elections. Both papers agreed to editorially support our recommendations.

Database Valuable

PERC/WV encourages other organizations to join our efforts to clean up politics in West Virginia.

The special interest data analysis can be enlightening and useful. For instance, representatives from the Coalition for a Tobacco Free West Virginia said that PERC's database analysis of special interest campaign contributions of tobacco interests was powerful ammunition to the organization when discussing their issues with legislators. PERC/WV supplied the group with details of how much money the tobacco industry was shelling out to individual members of the West Virginia legislature for the 1998 primary election.

They Just Don't Get It Dept. - 3

"It's very difficult to draft a bill in public, with the potential for interruptions and that sort of thing."

Dan Page, spokesman for WV Gov. Cecil Underwood, on why the governor pulled the plug on his handpicked mountaintop removal bill-writing committee after coal field residents from the West Virginia Organizing Project demanded to be part of the process.

bus and surround it. This is preserving wildlife, Arch Coal-style. The poor turtle was probably fleeing from Arch's next panoramic assault on West Virginia's mountains and streams.

Another ad has a Logan County school teacher telling the audience that they have no right to talk about



Carlos Gore at the capitol rally mountaintop removal. This angered Blair resident and OVEC Board member Carlos Gore, who wrote this response:

"I have seen the TV ads where you say that we have no right to talk about mountaintop removal. I would like to tell you about life in Blair for my family. Arch Coal mined 370-400 feet from my home.

"Every morning Hobet puts off a blast that shook us awake, if we were lucky enough to get any sleep the night before. The dragline runs 24 hours a day and many nights the noise and the lights keep us up. The dust is so thick it makes it hard to breathe. Every morning my car is covered with layers of dust.

"Arch Coal put a pond and valley fill right behind my house which blocked a stream that had been running for over 70 years. Flyrock as big as a history book you teach from has landed 25 feet from my bedroom while we were asleep. My family and I live in fear every day that the flyrock will land in our yard again.

"No doubt you have been talking to the coal company people. You and the kids you teach should see a real, up-close mountaintop removal job that has devastated our town. We had over 300 people in our town, a store, taverns, two gas stations, a barber shop, and a restaurant. Now there are only about 60 people left in Blair.

We had two schools that were moved out of our area because there are not enough kids to keep them open anymore. The schools were closed because Hobet (Arch Coal) had plans for Blair. They planned in 1992 to move everybody out of Blair.

"Do you believe it is right to uproot families from the
continued on page 17

Lake Baikal Ecotour Offered in August

Earth Island is offering an ecotour of Siberia and Lake Baikal Aug. 1-22 with renowned photographer and author Boyd Norton. Lake Baikal is the oldest and deepest lake in the world. For information on this tour, please either call B aikal Watch at (415) 788-3666 (ext. 109), or visit our web site at: <http://www.earthisland.org/baikal>.

Lincoln County Activist Lives Lightly On The Land

by Kate Lamdin

I dropped out of college and moved to West Virginia in January 1980. I was a young idealist running from change. I came to WV looking for the quiet life of the past. I moved to 95 acres of mostly steep rocky land at the head of a holler, 2 1/2 miles off the hard road. I moved into a little log cabin at the base of a steep hill.

At that time it was a mile out a rough rutted road to our nearest neighbor and the state road. We heated with wood. We'd cut up dead trees off the hillside and throw the firewood down the hill where we'd pull it to the cabin in a wheelbarrow or a sled. We used kerosene lamps or candles for light. There's a well with sweet water outside the cabin.

A friend gave us a bicycle connected to a battery that we'd pedal for electricity. If we wanted to listen to the radio or a cassette tape, we'd pedal away. It was like bicycling up a steep hill. We didn't do much listening.

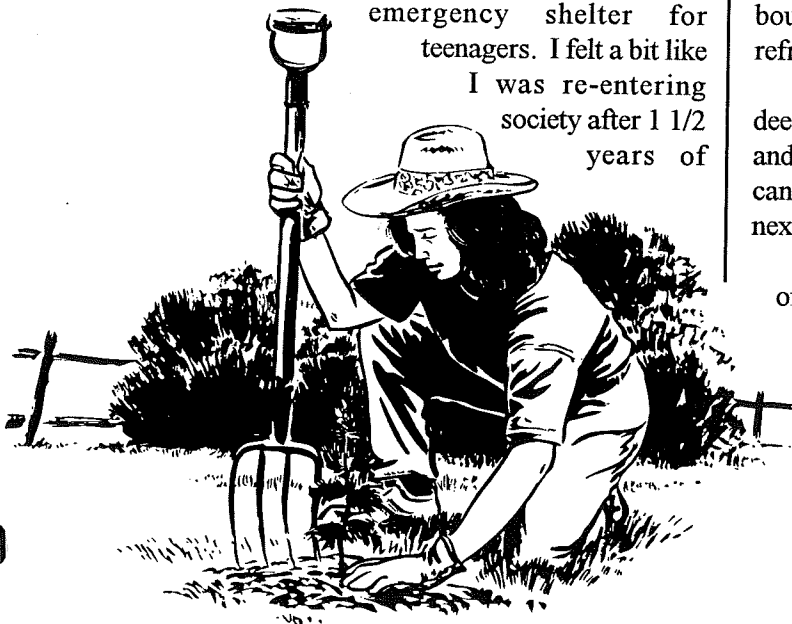
We cooked on a wood stove or an open fire. We grew (still do) a big garden in the narrow valley. We didn't own a vehicle. We walked, rode a horse, or hitchhiked wherever we went. I hitchhiked into a town on a hot August afternoon with an empty 30-pound propane tank because I couldn't stand the heat of canning over a fire any longer.

We have a small community of "back to landers" living in our county. Many of us grow a lot of our own food. Many use horses for farming. Many heat and cook with wood. A lot of us live off the (electric) grid. Most of us live up bad roads at the head of the holler.

Over the years the roads have gotten better, most folks have phones (not me yet), the houses are bigger, a lot of the kids are grown, and life seems a little easier.

I bought a car and got a part-time job in Huntington in 1981 as the weekend houseparent at Time Out, an emergency shelter for teenagers. I felt a bit like

I was re-entering society after 1 1/2 years of



escape. I still grew big gardens, milked goats and walked 1 mile home to the cabin.

I saved money and bought our first solar panel. We got a set of six big 12-volt batteries the phone company was throwing away to collect power. They are still collecting power 16 years later in the cellar of the cabin. Later we got a propane refrigerator (it now runs on natural gas) that made saving the goat's milk to make cheese much easier.

Neither myself or my land partners considered running electric lines to our place, even when a neighbor brought them 1/4 mile from the cabin.

We didn't want trees to be cut down and we didn't want monthly bills. Mostly we didn't want to support the coal industry or the nuclear industry. As strip mining has become mountain top removal, my stand against being off the grid has only strengthened.

I still live up a rough rutted road over a mile off the state road. I walk in and out in the winter mostly.

I live in a larger log cabin on a south facing ridge where I have a lot more solar power in the winter. I have 12-volt lights, a radio/cassette/CD player and my first TV (I'm not so sure that's good). I have an inverter that converts 12-volt electricity from the batteries into 110-volt house current. I run a blender and power tools on the 110-volt. I now have enough power that I don't have to go back to kerosene and give up music in the winter.

All the wood in my cabin (except for a little plywood) came from our property. The boards were milled up by our friend, Bill Ragette. We did most of the work building my house (and the other buildings on our property) with hand tools and chain saws. We pulled the logs with horses and a neighbor's tractor. I got a lot of help from many friends.

There's a gas well on our property that a land partner bought. Now the people on our property heat, cook and refrigerate with gas. I use wood as a backup heat source.

I can grow the best melons up on this ridge if the deer don't get them first. We've been expanding our fences and my dog herd. I mostly freeze excess produce instead of canning. I have gravity feed running water from a cistern next to the house and a gas hot water heater.

I no longer feel like I'm longing for the bygone days of the past.

Now I feel like I'm trying to live in a way that enables us to survive into the future.

My favorite source for solar electricity is:

Backwoods Solar Electric Systems

1395 Rolling Thunder Ridge

Sandpoint, Idaho 83864

phone: (208) 263-4290,

fax: (208) 265-4788

<http://www.backwoodssolar.com>

New Kind of CHIA Threatens to Overturn the 'Business as Usual' Permitting Attitude at DEP

Imagine that you are in charge of approving new or revised permits for a large-scale mountaintop removal operation—it may remove more than 600 feet off a mountain and dump the millions of tons of dirt and rock into adjacent valleys and streams and cover several thousand acres.

Now imagine that 10 or 15 different mining concerns have applied to basically conduct this same type of large scale operation within the same general location or watershed.

Cumulative Impacts

If you were in charge of issuing these permits, wouldn't you want to know not only the impact that ONE mountaintop removal/valley fill job would have on water quality, but also what 10 or 15 more combined would have on water quality (in scientific terms, it's known as cumulative hydrologic impact)?

You can be assured that folks who live near these sites and live with the threat of flooding are definitely concerned about the very real impact it can have on their homes, their communities and their lives. Apparently West Virginia regulators have no interest in finding out, even though it's a requirement of the federal Surface Mining Control and reclamation Act (SMCRA) of 1977.

That's why in January, OVEC and the West Virginia Highlands Conservancy's attorneys filed a 60-day notice of intent to sue the West Virginia Division of Environmental

Our Volunteers Make It Work!

It has been said that it takes a whole village to raise a child. At OVEC, it takes a whole lot of volunteers to raise awareness. Thanks to all!

Carlos Gore, Susan Hayden, Jason Huber, MaryAnne Graham, Dan Kash, Greg Carroll, Sharon Roon, Rick Bady, Eric Fout, Charley Kincaid, Carol Jackson, Lew Baker, Becky Hoff, John Taylor, John Price, Monty Fowler, Larry Gibson, Gregg Anthony, Melissa Anthony, David Duke, Sibby Weekly, James Weekly, Allen "Doc" Davis, Tom Skergan, Winnie Fox, Elinore Taylor, LaShonda Bare, Dave Cooper, Karen Simpkins, Sheila Gibson, Victoria Gibson, Mike Jackson, Mary Ellen O'Farrell, Robin Godfrey, Blake Sypher, Chuck Merritt, Chuck Wyrostock, Chally Erb, Jude Bender, Leah Long, Kim Baker, Joe Lovett, Perry McDaniel, Mike Walton, Diane Wellman and Brian Sullivan.

Special thanks to all the musical performers who gave their time and special gifts to the Rally for the Mountains: Ken Hechler and George Dougherty, Robert Shelter, Anne "Panther Woman" Merian, The Crawfords and T. Paige Dalporto. Denise Poole for all her hard work on the Rally for the Mountains! Steve Hill for providing the sound system.

Protection (DEP) for failure to comply with SMCRA.
Regulators Failed

OVEC and Highlands intend to prove that the state's regulators have repeatedly failed to force mining concerns to follow both state and federal laws regarding assessing and monitoring cumulative impacts of large strip mines on streams and groundwater (underground aquifers).

These assessments are known as "cumulative hydrologic impact assessments" or CHIAs. In addition, DEP is also required to issue written approval of a CHIA based on an impact assessment.

The federal state mining program requires that before mining operations receive a permit to mine, they must submit with their mining application, a plan to monitor surface and groundwater inside and outside the permit area.

Such a plan requires identifying sufficient water monitoring sites, identifying appropriate water quality parameters to be tested (such as pH, temperature, specific conductance, etc.), setting up a sampling time table and describing how the monitoring data will be used to assess the impacts that mining might have on water quality both on and off site.

Rules Not Followed

DEP then is required to issue in writing their approval or disapproval of the permit based on this impact assessment. DEP has been ignoring these provisions of the Surface Mine Act.

In the notice of intent to sue, OVEC and WVHC cited 15 specific instances within the past two years where DEP approved new or revised permits without making a written determination of the cumulative impact area for the operations and cited several other failures by DEP to follow state and federal law.

Wouldn't it be nice to fall asleep at night and feel secure that DEP is out there protecting your state's water quality? OVEC will keep you informed as this case proceeds.

GAIA Group - Less Is More

The Gaia Group, a committee of the Catholic Committee of Appalachia, dedicated to affirming the sanctity of all Creation, has created a brochure "Powering Down - A Less is More Proposal; Suggestions for Reducing our Impact on the Earth."

The brochure focuses on little sacrifices we can all make, that if done collectively, could have a significant impact on electrical usage and fossil fuel consumption.

For a copy of the brochure contact: Catholic Committee of Appalachia, P.O. Box 662, Webster Spring WV, 26288 or call the OVEC office at (304) 522-0246.

'Santa' Hands Out Lumps of Coal to the Bad Little Boys and Girls at OSM's Charleston Field Office

by Laura Forman

Santa's bell rang out loud and clear in the cold December air as protesters marched in front of the US Office of Surface Mining's Charleston field office.

Carol Jackson's "mountaintop cemetery" lined the sidewalk with tombstones representing 120 streams (only a portion of the actual number) lost to valley fills.

OVEC and other groups gathered in Charleston to protest the recently-released mountaintop removal report by the federal Office of Surface Mining.

The OSM draft report, which took months to produce, was originally finished in August. The first report made strong statements like coal companies are "indiscriminately dumping" rock and dirt debris into huge valley fills.

The report also had harsh criticisms of the West Virginia Division of Environmental Protection's program, that has illegally permitted many mountaintop removal operations.

Federal law mandates that in the absence of returning the mined land to its approximate original contour, coal operators must have specific development plans showing that the flattened land will benefit the surrounding communities. (Since this would take lots of time, money and is probably impossible in many areas, coal companies don't do it, and DEP doesn't force them.)

How can the flattened land benefit communities like Blair that have been displaced or destroyed from the mining?

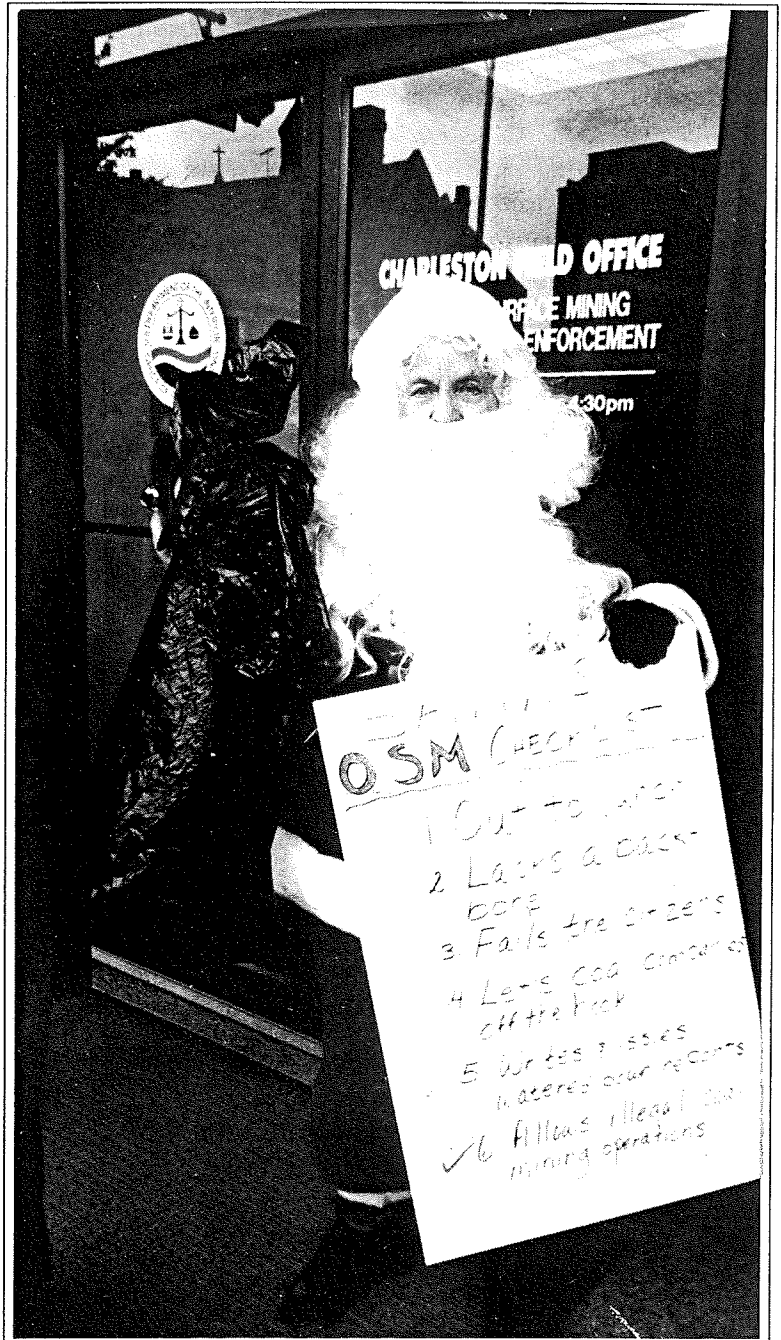
The final draft of the report, watered down by Department of Interior's John Leshy, offers no real solutions to the numerous problems associated with mountaintop removal that even OSM has previously documented.

One of the things OSM could have done to prove its commitment to addressing the concerns over mountaintop removal would have been a recommendation that West Virginia's primacy, which allows the state to run its mining program with little oversight by federal regulators be revoked.

The strong indictments from the original draft would have required action on the part of the federal OSM, apparently not a step OSM Director Kathy Karpan or her minions are willing to take.

At the protest, OVEC and others demanded that OSM take back its weak report and force the state into compliance with federal laws and provide real solutions to benefit impacted communities and the environment. Santa (OVEC member Winnie Fox) had lumps of coal to give to some particularly naughty boys and girls. Some of the names on Santa's list included Kathy Karpan, Roger Calhoun and Michael Miano.

When a few citizen protesters like James Weekly tried to enter the OSM building to personally deliver the coal, they found that OSM employees had locked the door, a most inhospitable welcome for Santa and her elves. It certainly must have



'Santa Claus' Winnie Fox delivers lumps of coal to the US Office of Surface Mining's Charleston field office to express her displeasure with the boys and girls inside. photo by Janet Fout

RESOLUTION PASSED

Izzak Walton League Has Concerns About Mountaintop Removal Mining

OVEC friend, Tom Skergan, from Elkins, WV, has been providing information to the Izzak Walton League of America-WV Chapter (IWLA-WV) and as a result of his efforts, the IWLA-WV passed a resolution about mountaintop removal/valley fill strip mining at their state annual convention in June, 1998.

The League in West Virginia has more than 1,300 members and supporters. The resolution, while not calling for a halt to MTR, expressed concerns about harm to the hardwood forests, headwater streams, aquatic species and the current scale and scope of this mining.

The League's resolution says that if the state regulators fail to adopt restrictions on valley fills, the federal Office of Surface Mining should "promulgate regulations governing the size and placement of valley fills associated with surface mining." And should regulatory agencies fail to act on this matter, then "this matter should require action by federal legislation."

On a national level, the Izzak Walton League, 50,000 members strong, submitted comments regarding the federal Office of Surface Mining's 1998 Draft West Virginia Oversight Report addressing approximate original contour and post-mining land use in West Virginia. In this letter, the IWLA echoed the concerns of the state chapter and urged OSM to undertake similar evaluations of state administered programs in surrounding states in the region.

In reference to OSM's draft report, IWLA expressed concerns about state mining regulators' lack of determining standards for "approximate original contour" (AOC) during the reclamation phase. IWLA says their concerns are "exacerbated by the identified industry trend of not seeking an AOC waiver and the apparent lack of distinction between post-mining regrading done at the mine sites with and without AOC variances." Simply stated—mining companies are operating contrary to the law.

IWLA also says that WV Division of Environmental

Protection has been not only "extremely lax" in requiring appropriate documentation in its permitting program, but that it has allowed illegal post-mining land use and calls for the immediate discontinuation of this "illegal practice."

The IWLA does NOT support West Virginia's position that "Fish and wildlife habitat and recreation lands" is an appropriate post-mining land use. (The federal Surface Mining Control and Reclamation Act of 1977 requires that a specific "industrial, commercial, residential or public use, including recreational facilities," be proposed.)

Tom also has been quietly at work educating many others about all the problems associated with mountaintop removal. Last summer he reserved a booth at the State fair where he passed out information about the issue.

He told OVEC that not only were people concerned about the issue, but very supportive, that is, that mountaintop removal was hurtful to the environment and communities of people. OVEC appreciates Tom's continued commitment to greater justice for the people and environment of the Mountain State.

OSM Protest

continued from page 15

been a bit unsettling for the OSM employees to see and hear the two dozen or so protesters outside their windows. Unfortunately, the state OSM's "fearless" leader, Roger Calhoun, was out of town.

None of this deterred the spirit of the protesters who continued to chant "OSM, do your job" and "Roger Calhoun has no backbone" in front of the OSM office. We hope the state and federal agencies were listening as we sent the message that we will not rely on them to reign in mountain massacre.

The citizens must continue to speak out, write letters, attend hearings, demonstrate, educate others and work together to bring about the justice we all seek and deserve.

Thanks to the West Virginia Citizen Action Group, Coal River Mountain Watch, West Virginia Environmental Council, West Virginia Highlands Conservancy, Stanley Heirs Foundation, Citizens Coal Council and Kentuckians for the Commonwealth for their support at this action!

OVEC's New Board Chair Up to the Task

Welcome and thanks to Susan Hayden for taking up the torch as OVEC's new chair of the Board of Directors.

Susan has been an active volunteer for OVEC on many levels. No task is too small or too great for her capable hands.

She brings inspiration as well as animation to our office.

They Just Don't Get It Dept. - 4

"If EPA plays Santa Claus to the environmental movement, they sure dropped coal in the stockings of 400 (mining) families in Southern West Virginia."

Ben Greene, president, West Virginia Mining and Reclamation Association, on delays in the mountaintop removal permitting process.

Marshall Students Hold Mining Forum, Skewer Industry

by Laura Forman

About 60 students attended a mountaintop removal forum in mid-November at Marshall University. Mike Jackson, who leads the Student Environmental Action Council (SEAC), a new group on campus, organized the event which was an impressive turnout by the students.

The panel of speakers included OVEC's Janet Fout, the West Virginia Highlands Conservancy's Mining Chair Cindy Rank, Marshall professor Frank Gilliam and Arch Coal's Vice President of External Affairs, David Todd.

Industry Absent

Other coal industry representatives were invited but declined to attend. Since there were many concerned citizens present, it was announced that only when the students were finished with questions would others be allowed to speak.

David Todd was probably very pleased to hear this, considering the makeup of the non-student attendees. Perhaps he mistakenly thought that the students would not be well informed on the issue?

If he thought the students would let him pontificate without interruption about Arch Coal, it was not to be. Marshall student and OVEC volunteer LaShonda Bare said, "He (Todd) did not realize that the students knew so much about the topic and he did everything possible to evade the questions.

"He kept trying to hide behind the law. I asked him not about the legality of the issue but the morality of what mountaintop removal was doing to the environment and the people and he could never answer this question," she said.

Todd was asked repeatedly if Arch Coal had investigated alternative methods to mountaintop removal.

The Bottom Line

After continually sidestepping the question, Todd finally admitted Arch Coal's investment of millions of dollars made mountaintop removal a financial necessity. In other words, Arch Coal's bottom line is all that really matters.

At one point, Todd spotted Larry Gibson, James and Sibby Weekly and Eric Fout in the front row and claimed that they were always showing up where he was and refused to recognize this group if they asked questions.

An indignant Julian Martin reprimanded Todd by telling him that he was not the moderator and could not make that decision.

As David Todd trumpeted Arch Coal's compliance with current regulations, Janet Fout silently held up a newspaper headline for the audience to see that announced the federal environmental agencies' concerns over mountaintop removal: "Feds Confirm Mining Problems."

While all of the speakers made informative, thought-provoking presentations, it was David Todd who ultimately

stole the spotlight. The Marshall students converged on Todd like a swarm of angry hornets on a hive interloper.

They pursued him through his murky saga of economic distortions, past the thicket of fabrications about Arch Coal's concern for the communities, through the haze of equivocations on campaign finance contributions, around his quagmire of outright lies about stopping the dragline when dust becomes a problem for coal field residents, and over his final desperate hurdle to the invocation of jobs, jobs, jobs.

David Todd neglected to mention that the coal industry has done more to eliminate coal miners jobs than to create them, while continuing to extract more coal than ever before.

He could hedge, he could lie, but David Todd could not escape the light that these impassioned, knowledgeable and tenacious students shone down on him.

Blair Resident

continued from page 12

only home they have ever known, some who have been in the same community for generations?

"For the people who live near mountaintop removal, we ARE the ones who have a right to talk about it. I feel you have no right to talk about or teach our kids about mountaintop removal unless you know something about it. I know you don't because mountaintop removal tears up more land, trees and plants than you'll ever know.

"Do you teach kids about the effects of mountaintop removal on their future? Do YOU have a plan for the land when the coal is gone and Arch Coal goes back to St. Louis after they have raped our mountains and got their pockets full of money?

"You think Arch Coal is doing responsible mining and that they are a good neighbor to the people in Blair. Well you have my deepest sympathy. After Arch Coal is gone from West Virginia, our grandchildren will go to the top of what's left of the mountains and look at the moonscape the coal companies left behind. Not much is going to grow on a moonscape, no matter what Arch Coal says. Lots of hard, dry ground, rocks, small locust trees and some non-native plants that even a billy goat wouldn't touch.

"I wish I didn't know so much about mountaintop removal but I live with it every day.

"I wonder where you live?"

Thanks for the Music, Mike

A big treehugger thank you goes to Mike Forman (the husband of OVEC's Laura) for buying our brand new office a brand new CD, radio and cassette player. Now we can save the Earth while strains of Rachmaninoff and Beethoven fill the air.

LETTER FROM THE HEART

Rally for the Mountains Has Special Meaning for A Special Lady

(OVEC received the following letter along with a generous donation from Thurseley Baker, Lincoln County activist and mother of board member Lewis Baker, following our rally.)

To all my friends at OVEC,

I have just returned from the first Rally For the Mountains, held at the state capitol on Jan. 30, 1999. What a wonderful day! So many beautiful people with so many different lifestyles, from young students to college professors, from coal miners to lawyers, from newcomers to descendants of West Virginia's first settlers - passionately religious or non-religious, but united in our love and respect for the Earth.

My thoughts kept returning to the life of a man born exactly one hundred years ago, on Jan. 30, 1899. He was not a famous man but he was important; his life was important, not only to his family, but to West Virginia's history. He was a coal-miner, one of the many thousands who labored in the mines seventy and eighty years ago when the working conditions were extremely bad, and the pay for that hard labor was barely enough to keep food on the table. He was one of the many thousands of miners who persisted in the struggle to form a union, so they could be treated as humans should be treated. Today we deplore the sweatshops in third-world countries, but conditions were not much better for America's coal-miners then, before they had a union.

That man who was born one hundred years ago was not a quitter; he didn't give up when the going got tough and neither will I. You see, he was my father.

Thank you, OVEC, for throwing such a great party on my Dad's birthday. It was a fitting memorial for him, and for those other brave miners.

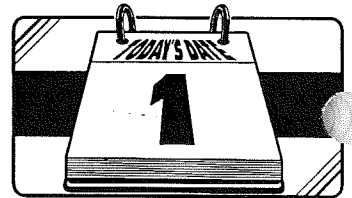
Sincerely,

Thurseley Baker

P.S. Enclosed is a check in his memory. See you at the next Rally for the Mountains. (April 24, 1999!)

CALENDAR of UPCOMING EVENTS

Tuesday, Feb. 23, Environmental Impact Statement Scoping meeting at Nicholas County Veteran's Memorial Park in Summersville, 6:30 p.m. for EPA's **two year environmental impact study of mountaintop removal**. Oral and written comments may be submitted. Citizens should request that very specific impacts be studied, such as: cumulative environmental impacts, impacts of valley fills on aquatic life, impacts of mountaintop removal on biodiversity, hardwood forests, wildlife, water quality, nearby residents, etc. Any questions that YOU as a citizen have are important and should be submitted.



Wednesday, Feb. 24, 2-4 p.m., 6:30 p.m., Environmental Impact Statement Scoping meeting at rotunda of Riggelman Hall, University of Charleston (see Feb. 23).

Thursday, Feb. 25, 6:30 p.m., EIS scoping meeting at Chief Logan State Park (see Feb. 23). Written comments may be sent until March 31 to: William Hoffman, U.S. Environmental Protection Agency, 3ES30, 1650 Arch St., Philadelphia, PA, 19103-2029. Phone: (215) 814-2995. E-mail: hoffman.william@epamail.epa.gov. Requests to speak at public meetings also should be sent to Hoffman.

Thursday, Feb. 25, Huntington Tri-State Audubon Society Meeting at Woodlands (senior community off Rt. 152 near Hill's). "Saving Our Beloved Mountains" Activist Larry Gibson and OVEC's Janet Fout talk about the destruction of our mountains by mountaintop removal/valley fill strip mining.

Friday, Feb. 26, E-Day at the State Capitol, 11 a.m. - 3 p.m. Annual event organized by the West Virginia Environmental Council. Be there in force! Award-winning writer, Denise Giardina, will deliver the keynote address. Spend the rest of the day lobbying legislators on your pet environmental issue. Anyone wanting to help at the OVEC table please call our office at (304) 522-0246. Fund-raiser with great local talent for WVEC that evening at the Empty Glass in Charleston, \$10 donation.

Friday, March 12, 10th Annual OVEC Treehugger's Ball! Calamity Cafe, Huntington, WV, corner of Hal Greer Blvd. and Third Avenue. \$5 donation. Raffle, T-shirts, great music of a great variety by great local talent.

continued on page 19

OVEC Joins KFTC To Protest Mountain Massacre in Kentucky

Shortly before Christmas, Kentuckians for the Commonwealth (KFTC) gathered in front of Addington
(see photo on back page)

CALENDAR

Saturday, March 27, OVEC general membership meeting. Afternoon meeting, followed by a spaghetti dinner. We'll send out notices when time and place are determined. Volunteers are needed for preparing or serving food or cleanup. Call OVEC if you can help.

Tuesday, March 30, Concerned Citizens' Coalition mountaintop removal forum, 7 p.m., Heritage Park Community Center, Spencer. Call (304) 927-2978.

Saturday-Sunday, April 10-11, Stanley Heirs Foundation weekend gathering at Kayford Mountain. Come see mountaintop removal in action. Call (304)586-3287, (304)522-0246, (304)937-2431, (304)586-9999.

Saturday, April 24, Mega rally at State Capitol, Charleston, WV, to STOP mountain massacre. Details pending, but put it on your calendar! 1-3 p.m. Anyone wanting to participate in planning meetings and/or help with the preparations for rally, please call OVEC office.

July 3-4, Fourth of July Celebration, Stanley Heirs Foundation weekend gathering at Kayford Mountain. Come see mountaintop removal in action. Call (304)586-3287, (304)522-0246, (304)937-2431, (304)586-9999.

Enterprises in Ashland, Ky., to protest the company's treatment of its workers and the communities near its mining operations. Folks from Perry County said Addington caused recently laid-off mine workers to hold a protest in front of Ary resident Pauline Stacey's home. She said, "they're operating right behind me. They've blasted everything in my home." She claimed Addington has sacrificed its workers and put the blame on her and her community.

Perry County's Star Fire mine, a large mountaintop removal operation, was shut down by the company when the federal government prohibited its use of a haul road near Ms. Stacey's home. Not surprisingly, Addington denies inciting the miners to protest. Big corporations hiding behind and using their most vulnerable employees to intimidate folks?

KFTC was joined in solidarity by members of OVEC and Coal River Mountain Watch. A protester disguised as the Grinch was on hand to lead the march up to Addington's front doors. Folks from the affected mining communities in Kentucky told a now familiar story to West Virginians of blasting, dust, damage to homes, property and water with seemingly little or no concern from the coal companies. OVEC member Carlos Gore spoke of his family's plight at the foot of an Arch Coal valley fill.

The citizens were told to leave by an Addington vice president, who called the police. The group slowly began vacating the premises, chanting "Justice in the coal fields" and calling Larry Addington the "Grinch that stole Christmas." As with other protests and gatherings recently, this action illustrates the growing unanimity of this movement across state borders.

OVEC NEEDS YOUR SUPPORT AND INVOLVEMENT YOUR CONTRIBUTIONS ARE VITAL TO KEEP OUR WORK GOING!

Cut and mail today to: OVEC, P.O. Box 6753, Huntington, WV 25773-6753

New member or renewal (Dues: \$10 - \$30, pay what you can)

Donation

Keep me especially informed on this issue: _____

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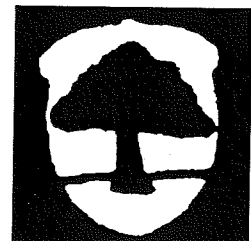
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FOR MORE INFO CALL (304) 522-0246

Remember - All donations to OVEC are tax deductible!



The Dec. 21, 1998, protest at Addington Enterprises in Ashland, Ky., brought together several green groups, including OVEC's Janet Fout, at left, and Carlos Gore, center, with Ingrid Alt from Kentuckians for the Commonwealth at right. Addington reacted in predictable corporate fashion and called the police on the small group of pickets, who left peacefully while chanting, "Justice in the coal fields!" *photo by Laura Forman*

Ohio Valley Environmental Coalition
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